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General Assembly

Tenth Emergency Special Session

Official Records

7th plenary meeting
Thursday, 13 November 1997, 3 p.m.
New York

President: Mr. Udovenko . . . . . (Ukraine)

The meeting was called to order at 3.15 p.m.

Agenda item 5 (*continued*)

Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/16 and Add.1)

Draft resolution (A/ES-10/L.3)

Mr. Pang (Singapore): On 15 July this year, the General Assembly met in a resumption of its tenth emergency special session to consider the item entitled "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory". Earlier, in March and April, the General Assembly had met, in a resumption of its fifty-first session and in its tenth emergency special session respectively, on the same issue. It is surely an unfortunate and extraordinary situation that necessitates the Assembly's meeting for a fourth time within the space of nine months on this very same issue.

Singapore regrets the circumstances that have made this necessary. These circumstances are set out in the report of the Secretary-General — documents A/ES-10/6 of 26 June 1997 and A/ES-10/6/Corr.1 and A/ES-10/6/Add.1 — prepared pursuant to resolution ES-10/2, adopted by the General Assembly at its tenth emergency special session on 25 April 1997. Unfortunately, Israel has continued with activities that the international community has repeatedly and unambiguously pronounced as being unacceptable. We regret that the Israeli Government has not heeded the clear message of the international community and has ignored the wishes of the majority of the membership of the United Nations on this issue.

As we have stated on all the previous occasions when this issue was discussed, the Israeli Government's decision to proceed with the construction of an Israeli settlement in East Jerusalem can have the effect of undermining the spirit of trust and cooperation which is vital to the success of the Middle East peace process.

As we have also stated on all the previous occasions on which this issue was discussed, all Governments have the right to adopt policies that address the housing needs of their populations. Indeed, this is one of the fundamental tasks of any self-respecting Government. Israel is entitled to its housing plans to provide for the housing needs of both Jews and Arabs in that country. However, the selection of East Jerusalem as the venue of the housing project is controversial because unilateral steps that can alter the current status of Jerusalem will only complicate the already difficult negotiations. The final status of Jerusalem, a city of sacred importance not only to Jews, but also to Muslims and Christians, is still subject to the outcome of negotiations between the two parties. Singapore therefore urges the Israeli Government to reconsider the housing project in East Jerusalem so that the peace process can continue unimpeded.

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Singapore is firmly of the view that the peace process is the only path to peace and security for the Palestinians as well as Israel and its neighbours. Singapore reaffirms its commitment to a comprehensive, just and lasting peace based on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and within the framework of international law. We will continue to do what we can to support efforts to bring about the peaceful settlement of the question of Palestine so as to realize the just aspirations of the Palestinian people.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The resumption of the tenth emergency special session of the General Assembly reflects the continuing deadlock in the Middle East peace settlement.

Today, we must work to break the deadlock, to encourage and, if appropriate, to urge the parties to fulfil all the obligations they have assumed in the framework of the Arab-Israeli negotiations, and to ensure unconditional commitment to the principles of the Middle East settlement.

We deeply regret that Israel is not implementing the decisions, made last April and July at earlier stages of the emergency special session, on putting an end to the settlement activities in East Jerusalem and other Palestinian territories. Russia opposes any unilateral actions negatively affecting the negotiating process. We once again call upon Israel to halt the construction of new settlements and immediately to start a full-scale practical implementation of the Palestinian-Israeli agreements. Israeli security concerns should, of course, be duly taken into account.

The recent visit of Mr. Yevgeny M. Primakov, Russian Minister of Foreign Affairs, to that region has made an important contribution to efforts to find a way out of the impasse in the crisis situation in the Middle East peace process. During his visit, the Russian Minister put forward an important initiative: a proposal for a code of peace and security in the Middle East, as contained in document A/52/570. The objective of this initiative is to promote the strengthening in the region of a climate of trust and international legality, mutual respect, and the development of economic cooperation.

We are grateful to the Secretary-General for his detailed report, prepared in response to resolution ES-10/3, adopted in July by the General Assembly. The document reflects rather comprehensively the approaches of the majority of States to the issue of convening a conference on the implementation of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Our impression is that the report reflects a widespread opinion that the convening of such a major forum should be preceded by a qualitative and comprehensive preparation so that the Conference can enhance the chances for a lasting peace in the region and ensure respect for the provisions of the Fourth Geneva Convention.

Russia agrees with the argument in favour of convening such a conference. However, we concur with those States that propose to take into account and seriously study the potential of all the mutually complementary proposals in this regard. In particular, the idea of organizing a meeting of experts of the interested countries is noteworthy. Such a meeting could, on the one hand, objectively assess all the aspects of the proposal to convene a conference and, on the other, produce considerations on the improvement of the humanitarian situation in the Palestinian territories. The use of the services of the International Fact-Finding Commission is another possible measure that, as far as we know, has aroused the interest of some States.

Russia is willing to contribute to the common efforts aimed at the elaboration of a mutually acceptable formula that could help put into practice the Convention's provisions concerning the occupied territories. We hope that such a formula will be reflected in the draft resolution to be adopted at today's meeting.

Russia is a co-sponsor of the peace process. We will therefore continue to make further persistent steps to ensure its real progress, to try to bring the parties' positions closer together, and to assist in finding a common denominator in the approaches of both Arabs and Israelis based on the Madrid principles and the agreements reached.

Mr. Mapuranga (Zimbabwe): For us in Africa, the situation in Palestine and the Middle East is a matter of grave concern. The Organization of African Unity (OAU) has passed resolutions welcoming the peace process and exhorting all parties involved, particularly Israel and the Palestine Liberation Organization (PLO), to persevere in consolidating the peace process in order to bring to fruition the peace and prosperity that have eluded the region for several decades.

The OAU position is that the international community must help to save the Middle East region, at this critical juncture, from the throes of conflict and

potential full-blown war. The provisions of the existing agreements and accords concluded between the PLO and Israel must be sincerely complied with. The Israeli leadership should concede to the realities on the ground and resolve all pending issues with the Palestinian National Authority, including the immediate reversal of all provocative and illegal acts of building new settlements in East Jerusalem and other occupied Palestinian lands. In our view, the construction of these settlements is the single most important cause of the current impasse and tension in the region.

Finally, I wish to observe that, when the peace process was launched, the hopes of the long-suffering peoples of the Middle East were raised by the vision of a future of peace and security. Solutions will not be durable, however, if intransigence and bellicose language prevail over the capacity to look for compromise. My delegation is convinced that the most promising opportunity for peace must be seized in earnest. We urge the parties to resume contacts, in good faith, on the basis of agreements reached and to seek inspiration in their own achievements since Madrid in their search for lasting peace.

Zimbabwe supports the draft resolution now before this emergency special session and urges all delegations to support it.

Mr. Hachani (Tunisia) (*interpretation from Arabic*): The General Assembly is meeting today in the framework of the resumed emergency special session to take up the issue of the illegal Israeli activities in East Jerusalem and in the rest of the occupied territories. We are meeting under circumstances in which this question is experiencing negative developments which run counter to the wishes of the General Assembly. In fact, it is clear to all observers of the situation in the occupied territories and in East Jerusalem that Israel has not responded to any of the demands of the General Assembly, either those contained in the resolution of 25 April or those of the resolution of 15 July 1997. Israel has not put an end to the colonization of Jebel Abu Ghneim in East Jerusalem, as called for by the General Assembly, nor has it ceased its settlement activities in the rest of the occupied Palestinian territories.

Israel has not responded to appeals for it to cease its various illegal practices directed against the Palestinian population of Jerusalem. Israel, the occupying Power, has still not acknowledged the applicability of the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to all the Palestinian territories occupied since 1967.

Israel has not implemented these demands to even the slightest degree, and we have not had any information which indicates that Israel had the intention or the will to cease its illegal activities. Everyone is aware of the great political, geographic, demographic and economic danger these activities pose. The entire world is also aware of the damaging consequences of these activities for the peace process and for the confidence of the Palestinian people and other Arab peoples in that process, as well as for the prospects of achieving a comprehensive and just peace in the region of the Middle East. Israel is continuing its defiance of the will of the international community and of the General Assembly itself. It continues to violate international law, to pay little heed to all the resolutions of the United Nations and to flout the commitments stemming from its membership in the United Nations.

Given this state of affairs, the international community must not remain inactive. It must stand up to Israel's intransigence, and our noble Organization must continue its efforts to counter Israel's illegal activities in the occupied territories. That would allow it to carry out its historical responsibilities with regard to the Palestinian people and to salvage its own credibility.

In this context, the General Assembly must call for the convening as soon as possible of a conference of the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War so that the necessary measures will be taken to ensure the implementation of the Convention in all of the occupied Palestinian territories, including Jerusalem. There is also a need to call for preparations to be made for that conference, particularly by organizing preparatory meetings at the level of experts.

In this context, we would like to thank the Secretary-General, Mr. Kofi Annan, for the report he presented to this emergency special session in accordance with paragraph 10 of resolution ES-10/3 of 15 July 1997. That report, in document A/ES-10/16 of 14 October 1997, contains information the Secretary-General received from Switzerland, which is the depository of the Fourth Geneva Convention. That information reflects wide agreement on the holding of a conference of the Contracting Parties, as requested by States parties and groups of States parties.

We believe that the draft resolution before the Assembly meets the requirements of the present situation and contains legitimate provisions which can guarantee

that the positions taken by the General Assembly during the emergency special session and the repeated appeals to which Israel has not responded will be followed up.

We call upon the Assembly to act with determination so that the Government of Israel will abandon its present policy and resume the peace process in a positive spirit in order to achieve the objectives of that process and to implement all aspects of United Nations resolutions 242 (1967), 338 (1973) and 425 (1978).

It is high time the Palestinian people enjoyed liberty and tranquillity in their country, and it is high time Israel understood that there can be no stability in the region as long as the right of the Palestinian people to self-determination and to establish their own State with Jerusalem as its capital is flouted.

Mr. Marrero (United States of America): All of us present today recognize that there are a number of divisive issues that have lately hampered the ability of Palestinians and Israelis to move forward in their search for a lasting peace. These are serious issues, and they deserve serious consideration. But my Government does not believe that this is the time, the place or the format in which these issues can receive the consideration they deserve. We do not believe that the draft resolution before us, either in tone or in content, will serve the cause of Middle East peace. And we do not believe that the United Nations or any other body should interfere in discussions of issues that the Palestinians and Israelis have decided will be addressed only in face-to-face negotiations.

Before I discuss my Government's views on these issues in more detail, let me underscore our position on the dispute which has led to this debate today. My Government shares the concerns that many Member States have expressed about the decision of the Israeli Government to begin construction at Har Homa. We have repeatedly stated our belief that construction at this site is not helpful to the peace process. As President Clinton has said, we would have preferred that this decision had not been made. It undermines the trust and confidence needed to supply renewed momentum to the peace process and does not help establish the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks.

All parties must take special care to avoid pre-emptive actions that can be seen to prejudice the outcome of negotiations, while working hard to build the trust and confidence that productive negotiations require.

We must be clear about what we are trying to accomplish today. We all want to help achieve a just, lasting, and comprehensive settlement of the conflict in the Middle East. The United Nations can play a positive and important role in that quest. The question we must ask ourselves, then, is this: does this emergency special session, and does this draft resolution, contribute to that goal? The answer, I am afraid, is "no".

Actions that the United Nations takes — such as the annual adoption of the General Assembly's "positive" resolution on the Middle East peace process — can help create an atmosphere of support and encouragement from which the parties can gain the confidence to take the sometimes risky steps necessary for peace. Other actions — such as the draft of condemnatory Middle East resolutions also adopted annually by the General Assembly, and draft resolutions such as the one before us — do the opposite: they erode the confidence and trust upon which the road to peace is built. To be effective in aiding the search for Middle East peace, the United Nations must learn to speak the language of cooperation, not condemnation. It must encourage, not discourage. Remember, what we do here has an effect. Whatever else the Assembly does, it must not take steps that will only create more tension.

Quiet but serious diplomatic efforts are now under way to inject new momentum into the peace process. The United States, joined by some members of the Assembly, is intimately involved in these efforts. Indeed, Secretary of State Albright is departing today on a trip to the region and plans to continue our discussions with Prime Minister Netanyahu and Chairman Arafat in Europe.

The parties themselves want to move forward. They are taking small but significant steps towards that goal. The United Nations owes them the political breathing room to do just that.

But to the extent that this draft resolution injects the United Nations and other bodies into deliberations between the parties, as it does with its call for the High Contracting Parties to the Fourth Geneva Convention to enforce the Convention in the occupied territories, it will make the work of the negotiating partners harder, not easier.

To the extent that it relies on the condemnatory formulas of resolutions past, it will only poison the atmosphere for further talks. In short the draft resolution will not accomplish the goal it ostensibly seeks to

achieve. That is why the United States will vote against the draft resolution.

We ask all of you to stop, to think and to weigh the consequences of what we are doing and to cast your vote against the draft resolution.

Mr. Kamal (Pakistan): We have gathered here today to review the situation in the Middle East, with particular focus on the alarming developments in the occupied Arab territories.

Israel has continued its illegal activities in the occupied territories despite strong condemnation by the international community at the meetings of this tenth emergency special session of the General Assembly on 15 July 1997. It has refused to comply with any of the demands made in the Assembly's resolutions ES-10/2 of 25 April 1997 and ES-10/3 of 15 July 1997, including an immediate halt to and reversal of all its illegal actions in the occupied territories.

To our dismay, Israel pursued its reprehensible policy of building new settlements in Jebel Abu Ghneim in the south of occupied East Jerusalem. The measures aimed at changing the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, have no legal validity and must be rescinded.

The deportation of local inhabitants from the occupied territories constitutes a serious violation of international Conventions. Article 49 of the Fourth Geneva Convention of 1949 and Protocol I of 1977 clearly stipulate that the occupying Power shall not deport the local inhabitants nor settle its own people in the territory it has occupied. These are also flagrant and unacceptable violations of the Hague Regulations of 1907, the relevant resolutions of the Security Council and the General Assembly, the Declaration of Principles and the subsequent agreements concluded between the Palestinians and the Israelis. Pakistan strongly condemns all these actions and policies.

Pakistan has steadfastly supported the just struggle for the inalienable rights of the Palestinian people. We have consistently stated that Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) continue to provide a viable and just framework for a durable and comprehensive peace in the Middle East. The Government and the people of Pakistan believe that Al-Quds al-Sharif, occupied by Israel since 1967, is the core issue of the Arab-Israeli conflict. It remains central to any comprehensive settlement, and no lasting peace in the region would be possible without the return of Al-Quds and all occupied territories to the Palestinian people.

Israel must fully abide by the provisions of the agreements it has concluded with the Palestinians and amicably resolve all pending issues with the Palestinian National Authority.

It is now incumbent upon the General Assembly to do what the Security Council has failed to do. The Assembly has the responsibility to ensure that the peace process is not undermined due to provocative and irresponsible actions by Israel. The draft resolution before the Assembly today embodies the measures which must be implemented by the Israeli authorities in order to restore mutual trust and understanding between the two parties. Pakistan is a sponsor of the draft resolution and earnestly hopes that all Member States will support its adoption by consensus.

Mr. Al-Adoufi (Yemen) *(interpretation from Arabic):* The General Assembly has resumed its emergency special session to consider the illegal Israeli actions in occupied East Jerusalem and the rest of occupied Palestinian territory, as well as the non-compliance of Israel with resolution ES/10/3. My delegation wishes to pay tribute to the Secretary-General for his efforts and commends his report in document A/ES-10/16.

At the same time, we condemn the Government of Israel for its failure to abide by the resolutions and recommendations of the General Assembly concerning illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory.

We also call on the Israeli Government to cease the construction of the settlement in Jebel Abu Ghneim, as well as all the illegal activities in occupied Jerusalem, which constitute a grave violation of Security Council resolutions relating to this question.

We also call on the international community to bring pressure to bear on the Israeli Government to observe the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, which applies to the Palestinian territories occupied since 1967. We also call on Israel to comply with the resolutions of the Security Council.

It is now well known to all how the present Israeli Government undermined the Middle East peace process which resulted from the 1991 Madrid Conference. It also undermined the principle of land for peace. Israel persists in its aggressive illegal practices which consist of the displacement of the Palestinians, the occupation of territories by force, the establishment of settlements, the confiscation of property, the demolition of houses and the detention of tens of thousands of Palestinians, together with the pursuit of the policy of blockade and famine practised against the Palestinian people, and the deprivation of this people of its most fundamental rights. All these practices are an open challenge to the lofty principles embodied in the Charter and to resolutions of international legality.

Moreover, Israel has not honoured its commitments relating to the implementation of several agreements concluded with the Palestinian side. In failing to do so, it subjects the region, as well as international peace and security, to a period of grave threat at a time when the world is seeking new formulas for cooperation and integration in all its forms. However, Israel is unique in resorting to the most ruthless methods of oppression and suppression against the Arab Palestinian people.

With regard to the continuation of the aggressive Israeli policy towards the Palestinian citizens, we appeal to the Swiss Government to take the necessary measures for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, in order to reach an agreement on measures and modalities for ensuring the implementation of the Convention in the occupied Palestinian territories, including Jerusalem, and for the participation of the Palestinian Liberation Organization in the conference as an invited party.

We also stress the importance of the adherence by States to the provisions of resolution ES-10/3, with regard to refraining from any direct contribution to the construction or development of Israeli settlements in the Occupied Palestinian Territory, including Jerusalem. Such activities contravene international law.

We also call on the international community to bring pressure to bear on the Government of Israel to fulfil its commitments towards the national Palestinian Authority so that peace and security may prevail in the area.

In conclusion, I take this opportunity to express to you, Sir, my delegation's thanks and appreciation for holding this session.

Mr. Jele (South Africa): The emergency special session of the General Assembly has resumed once again to consider and take action on the threat posed to the peace process in the Middle East by the illegal Israeli actions in occupied East Jerusalem and the rest of the Palestinian territory.

Despite clear and unequivocal condemnation of its actions by the General Assembly and the international community during our previous emergency special sessions, the Israeli Government has persisted with the illegal construction of new settlements in Jebel Abu Ghneim and East Jerusalem. The Oslo agreement specifically calls on all parties to the agreement to avoid measures that may adversely affect the outcome of negotiations on final status issues.

This Assembly has also repeatedly underlined that these actions by Israel amount to a unilateral attempt to change the legal status and demographic composition of Jerusalem and the Occupied Palestinian Territory, an issue which has yet to be discussed at the final status negotiations. The Israeli Government also continues to reject the applicability of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Times of War to all Arab territories occupied since 1967, including Jerusalem.

It is significant that the demand in no uncertain terms by this body that Israel desist from violating the relevant Security Council resolutions and the Oslo accord has encouraged public expression by a large number of Israelis in support of the peace process. This yearning for peace should be the basis of future action by the Israeli Government.

South Africa's support for the struggle of the Palestinian people is unwavering, because we believe that the realization of their inalienable right to self-determination and independence is pivotal to the achievement of a sustained and comprehensive peace in the Middle East. The agreements reached between the two parties should be implemented honestly and expeditiously, to reinvigorate the faltering peace process. South Africa considers it imperative that the stalled peace process should be rescued and made irreversible. It therefore behooves this august body to remain seized of this matter, to ensure that the Israeli Government fulfils the commitments and obligations it has solemnly undertaken.

Israel's flagrant violation of the Security Council and General Assembly resolutions cannot be allowed to continue with impunity. South Africa will vote in favour of the resolution before us because it sends a clear message to the Government of Israel that the international community is determined to put the peace process firmly back on track and usher in a new era free of conflict, tensions and violence in the Middle East.

Mr. Andjaba (Namibia): Once again, we are meeting on a question which rightly deserves the full attention of the international community, a question which continues to be the full responsibility of this Organization.

In July this year, earlier in this the tenth emergency special session of the General Assembly on the illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory, my delegation emphasized, among other things, that it is not possible to divorce the complete nationhood of the Palestinian people from a just, comprehensive and lasting peace in the Middle East. We are therefore concerned that as we are gathered here today, thousands of Palestinians in the occupied territories continue to live under abhorrent conditions, while others are said to remain in Israeli prisons, subjected to torture and other mistreatment.

It is in this context that my delegation remains concerned about the continued construction of new settlements in the south of occupied East Jerusalem. In our view, this is a calculated attempt by the Israeli authorities to alter the political and geographical setting of East Jerusalem in their favour.

We are equally concerned about the assistance by individuals to the Israeli authorities for their illegal activities in the occupied territories of Palestine. All these actions surely can only impede the Middle East peace process, and we reiterate our call for their immediate cessation.

The demands made in resolutions ES-10/2 and ES-10/3 remain valid. In this connection, we call on the Israeli Government to comply with and implement these resolutions without further delay, thereby paving the way for a peaceful settlement of the Palestinian question. Furthermore, we have studied the Secretary-General's report, as well as the information provided by Governments, contained in documents A/ES-10/16 and Add.1.

It is in this context that my delegation supports the recommendation for the convening of a conference on measures to enforce the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 in the Occupied Palestinian Territory, including Jerusalem, as well as ensuring Israel's respect thereof in accordance with article 1. Further, Namibia underscores the need for participation of the Palestinian Liberation Organization, both in the preparations for the conference and in the conference itself.

Namibia's support for the people of Palestine is unequivocal. Therefore, we will do everything in our power to contribute to the peace process. At this juncture, my delegation can only conclude by reiterating its call to both parties to return to the negotiating table and to recommit themselves to a peaceful settlement of their surmountable differences.

Namibia will vote in favour of the draft resolution that is before us today.

Mr. Abulhasan (Kuwait) (*interpretation from Arabic*): At the outset, my delegation would like to express its support for the statement of the Chairman of the Group of Arab States for this month, which was delivered this morning. I would also like to express to you, Sir, our thanks and appreciation for agreeing to hold this, the tenth emergency special session, in order to discuss the illegal Israeli actions in occupied Jerusalem and the rest of the occupied Palestinian territories.

This session has been resumed for various reasons. The most important of these is to review the demands of General Assembly resolutions, especially resolutions ES-10/2 and ES-10/3. In particular, I would like to refer to the calls made in these two resolutions with regard to the necessity for Israel immediately to stop building the settlements of Jebel Abu Ghneim as well as all other Israeli settlement activities. Israel, being the occupying Power, should refrain from all illegal activities, which are against the principles of international law, committed against the Palestinian people in East Jerusalem.

The two resolutions indicated clearly that Israel should accept the applicability of the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territories, including Jerusalem. When we consider the extent of compliance by the Israeli Government with these demands, we find regrettably that the Israeli

Government still persists in pursuing the policy of intransigence and disregards the will of the international community and the resolutions of the United Nations — an organization of which Israel is a Member. We must therefore condemn this Israeli conduct and declare our outright and complete rejection of it today.

My delegation has considered the latest report of the Secretary-General contained in document A/ES-10/6 and Add.1, on the contents of which we are meeting today. This report was submitted in accordance with paragraph 10 of resolution ES-10/3, which was adopted by the General Assembly on 15 July this year. This paragraph requests the Secretary-General to present a report within three months concerning the recommendation that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem. This report also includes clear and unambiguous indications that there is international support for other steps to hold this conference as soon as possible.

The Government of Kuwait reaffirms its support for the clear letters sent by the Secretary-General of the League of Arab States and the President of the Coordinating Bureau of the Movement of Non-Aligned Countries to the Government of Switzerland embodying their agreement to the convening of such a conference as soon as possible in order to deal with the difficult situation which the Palestinian people are facing in the Occupied Palestinian Territory, including Jerusalem.

On the basis of the above-mentioned points, we in Kuwait would like to indicate the following. First, Kuwait condemns Israel's continued violations of the two resolutions of the tenth emergency special session, and particularly Israel's continuation of the construction of new settlements in Jebel Abu Ghneim to the south of East Jerusalem. Secondly, we call on the High Contracting Parties to the Fourth Geneva Convention of 1949 to take the necessary measures to ensure Israel's full and complete respect of this Convention. Thirdly, Kuwait appeals to the Government of Switzerland as the depositary of the Fourth Geneva Convention to undertake the necessary preparations for holding this conference in order to ensure the implementation of this Convention in the Occupied Palestinian Territory, including Jerusalem.

Kuwait, once again, reiterates, from this rostrum that it is important for the United Nations to play its decisive and vital role in finding a permanent and just solution to the Palestinian question. Finally, my delegation would like to call upon Member States to take a just stand and upon the Government of Israel to listen to the voice of justice by desisting immediately from undermining the peace process in the Middle East. We should also like to remind the Israeli Government of the necessity of implementing Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) completely.

In this context, we uphold the position of the Syrian Arab Republic which calls on Israel to withdraw completely from the Arab Golan and to return to bilateral negotiations within the framework of the peace process at the point where it stopped. We also call upon Israel to withdraw immediately from southern Lebanon if it desires to ensure peace and security in the region. We have become daily witnesses to Israel's attempts to undermine the aspirations of the peoples of the region to build real peace. This necessitates the adoption of positive measures aimed at living in stability. Israel should not adopt negative steps which lead to fossilization within the myth of insecurity and lack of confidence, which have no place in the region today. Finally, we ask Member States to support the draft resolution submitted to the General Assembly today and to implement it as soon as possible.

Mr. Wehbe (Syrian Arab Republic) (*interpretation from Arabic*): I would like to commend and thank you, Sir, for having agreed to the request to hold this emergency special session on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. And I also want to extend my thanks to the Secretary-General of the United Nations, Mr. Kofi Annan, as well as to the Chairman and members of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. I also thank the Secretary-General and the Chairman of the Special Committee for the two reports they have submitted: document A/52/131 of 2 May 1997 and document A/52/131/Add.1 of 25 July 1997. Without being exhaustive, these documents, like previous reports issued by this Committee in particular, illustrate and bear witness to the very nature of the Israeli practices and policies that affect the human rights of the Palestinian people and other Arabs of the occupied territories, including those in Jerusalem and in the occupied Syrian Golan.

The history of the United Nations is lined with volumes of reports, resolutions and other decisions and speeches, of which we have just heard the most recent.

In addition, there are the resolutions adopted by this Organization to confront the various Israeli policies of settlement and colonization, which go hand in hand with their policies of terrorism, repression, murder, destruction and displacement. In spite of all these volumes and General Assembly resolutions, including those of the emergency special session, that express the political will of the international community to confront the Israeli policies, the Israeli Government continues to pay scant attention to this international will, and even to mock it, trampling on the United Nations resolutions. Add to this the fact that Israel devotes itself to working against the establishment of a just and lasting peace. Though Israel was admitted to the United Nations on the condition that it was peace-loving and would work to build peace, the United Nations resolutions and reports and the various representatives' speeches that we have just heard prove that we are faced with a country that does not support peace, since it thumbs its nose at international resolutions and does not recognize international law.

Israel continues to implement its colonization practices and plans without paying the least attention to the resolutions of the Security Council and the General Assembly, which condemn its colonization policies and do not recognize its settlements, considering them illegal. This meeting of the tenth emergency special session is supposed to lead the international community to pressure Israel so that it will renounce and cease its colonization policy and so that it will withdraw from all the occupied Arab territories, including East Jerusalem and the occupied Syrian Golan.

It is well known that Israeli bulldozers continue relentlessly to flatten the colony of Jebel Abu Ghneim, in spite of all the condemnations and all the demands of the international community — including the United States' urging that these activities cease. Thus, the United States has condemned this policy. How long is it going to continue in spite of the will of the international community which has already, many times, expressed its opposition to it? It is high time that practical measures be taken by the organs of this international organization — in particular by the General Assembly and the Security Council — to lead Israel to end this policy and to commit itself to the proper path, that of achieving for all an honourable peace, a real peace, a just and comprehensive peace.

On 10 November 1997, during a meeting of the Likud Party that he leads, the Israeli Prime Minister stated something he has also stated on many other occasions: that Israel intended to maintain extensive security zones, including in the valley of the Jordan, the zone of the demarcation line and other zones. This is in addition to the settlements that he is working to fortify — not to mention Greater Jerusalem, which he is committed to keeping unified. Mr. Netanyahu confirmed that the Government and the Likud Party consider the Golan as an essential zone for Israeli security. On several past occasions, the Prime Minister had stated that he had no intention of evacuating the Golan.

Are we not being confronted with a flagrant violation of United Nations resolutions, as well as of the many aforementioned volumes of speeches and other reports? Is this not a public mocking of the international will? Without a doubt it is. The Prime Minister's speeches are nothing if not a systematic challenge to international law and to the relevant resolutions of the United Nations. We are faced with a policy designed to destroy the peace process so dear to us.

Last November, I heard on the American television channel C-SPAN a speech by Mr. E. Barak, the leader of the Israeli Labor Party, to the Knesset, in which he very clearly and in plain language warned against the plans of Mr. Netanyahu's Government that focus on preparing for war rather than peace. He explained in detail the dangers of this war for children and for the peoples of the region. It is thus clear that the peace process is at an impasse because the current Israeli Government has rejected it along with the commitments and agreements deriving from it. Israel pays little attention to the considerable efforts of the international community, which — for the first time in the history of the Israeli-Arab conflict — seek to achieve a comprehensive solution to this conflict.

And I think it should be noted that many of us are unable to foresee the extent of the serious repercussions of this Israeli rejection of the peace process, especially since that rejection is taking place in the post-cold-war period, in which wars and military confrontations are notable for their atrocities and savagery and for their often uncontrollable nature. If Mr. Barakh warned of the dangers of war it is because he is well aware of the circumstances, having formerly been the commander of the Israeli army, and well aware of the tendencies of the present Israeli Government. Furthermore, by maintaining a standing threat of war on the ground, Israel is seeking progressively to back away from its commitments and the agreements reached by the parties concerned during the peace talks and, in the end, to abandon completely the peace process that was initiated, by dint of such arduous

efforts, at Madrid on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978).

Here, we might note that the actions of the Israeli Government do not reflect the principle "one step forward, two steps back" but, rather, a new principle that consists in taking one step back followed by two further steps back, followed in turn by the threat of yet another step back, a decision that will never be revoked, even provisionally, unless the other side accepts the new conditions it had earlier rejected.

Such is the methodology of peace that must advance backwards until it disappears, as if pre-programmed to die in the bud. Thus, the Prime Minister refuses to honour decisions already taken in earlier negotiations, including withdrawal to the boundaries of 4 June 1967. Mr. Netanyahu refuses to pick up the negotiations where they were broken off, and to accept the principle of land for peace, which is the very basis of the United States initiative. On the contrary, sometimes he offers peace for peace, sometimes peace for security, all in pursuit of his own policy, which is aimed at continued colonization and settlement. For us, Arabs, to accept these two Israeli formulas, peace for peace or peace for security, would be tantamount to capitulation. It would mean that we would become a tool for Israeli greed and its designs in the region or that we would be agreeing to a peace of colonization, of expansionism, in line with Israel's wishes.

We believe that security is the result of peace, a peace which in turn produces security. Security cannot exist without the existence of peace, a peace guaranteeing dignity and justice. To place security above peace is incompatible with all legal and historical thinking. As a result, we believe that Israel's stubborn adhesion to the erroneous and twisted logic of peace for peace and peace for security — when its occupation continues and when Israel has not yet totally withdrawn from all occupied Arab territories — cannot help but turn the peace process into a war process, into a mutual blood bath, and lead to neither peace nor security. It can only return the Arab-Israeli conflict to its tragic and shocking beginnings.

It is deplorable that the present Israeli Government does not realize that its non-respect for the commitments entered into with the former Israeli Government, in all their aspects, and particularly the Syrian aspect, in accordance with the principles of international law and the resolutions of the Security Council, is not merely to trample underfoot the most fundamental rules of international law but a calling into question by the present Israeli Government of the credibility of every former Israeli Government. It casts doubt on the commitments undertaken by the present Israeli Government when it too will have become a former government. It is counter to international law and norms. In this connection, we had hoped that the Israeli representative, who this morning made frequent reference to the former Prime Minister of Israel, might have laid out the reasons for the current deadlock in the peace process and the responsibility borne by the present Prime Minister in that deadlock. Had he done so, he would have been doing justice to both former and future prime ministers. And I do not know why the Israeli representative is so fond of holding forth on the subject of his country's violations of international resolutions, covering them with a cloak of legitimacy that convinces no one in today's world.

I will not dwell on the subject of terrorism, since Israel's history is fraught with acts of State terrorism and terrorism by Israeli organizations. The latest link in the chain of Israeli terrorism was the attempt to assassinate Khaled Meshal in the very heart of neighbouring Jordan. That operation was State terrorism incarnate, whereas the Arab countries as a whole and on many occasions have stated and affirmed at their summit meetings and through their leaders their opposition to terrorism in all its forms. Syria, for its part, has stated on many occasions that the Arabs are devoted to just and comprehensive peace and that they view it as a strategic goal, but for that notion to be solidly rooted in the people Israel must leave the occupied Syrian Golan by withdrawing to the borders of 4 June 1967, as well as withdrawing from southern Lebanon and West Bekaa in accordance with Security Council resolution 425 (1978), while ensuring the legitimate rights of the Palestinian people, including their right to self-determination and to the establishment of their independent State.

In other words, Israel must resume the peace talks where they were broken off at the time of the preceding Itzhak Rabin Government.

As a party to the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, Syria considers that that Convention applies, *de jure*, to all the territories occupied since 1967. It considers that all the States parties to the Convention must ensure that Israel respects that Convention. Therefore, my county approves the convening, at the earliest possible date, of a conference of the High Contracting Parties as envisaged in the draft resolution before us, and to which we give our complete support.

Mrs. Cueto Milián (Cuba) (*interpretation from Spanish*): We are meeting once again to consider a constant element of the policies and practices of the State of Israel: the violation of the rights of the Palestinian population in the occupied territories. The Cuban delegation attaches great importance to the fact that the Assembly is meeting today, on the threshold of the fiftieth anniversary of the Universal Declaration of Human Rights, to follow up the decisions taken earlier during its tenth emergency special session of the General Assembly and to continue its debate on Israel's aggressive policy against the Palestinian people and the peoples of all the occupied Arab territories. The situation prevailing in occupied Palestine is without a doubt the responsibility of the international community as a whole and should give rise to study and action by this multilateral political forum.

Cuba reiterates its support for a comprehensive solution to the situation in the Middle East and for a just, lasting and complete peace. We urge the return by Israel of all the occupied Arab territories, including occupied Jerusalem and the occupied Syrian Golan Heights. The persistence of the hostile policy of the State of Israel in Palestine and in all the occupied Arab territories has negative consequences not only for the survival of the peace process, but also for the lives and most legitimate aspirations of a people condemned for years — to their children it seems like centuries — to oppression and terror, exodus and misery, dispersion and the disruption, in contravention of all ethical considerations relating to legality, social conditions and demographic composition.

The international community must unequivocally condemn Israel for its repeated and flagrant non-compliance with all the resolutions adopted by this Assembly and by the Security Council on the situation in the Middle East. The General Assembly must take a forceful stand regarding the total non-compliance of Israel with all the decisions adopted by this body on various occasions this year, and in particular during the tenth emergency special session.

Today it is necessary to insist on the urgent need for Israel to end its aggressive policy, which violates the most fundamental human rights of the Palestinian people and the peoples of all the occupied Arab territories. Israel must end its policy aimed at expanding the illegal settlements, which results in destruction, demolition, hunger and misery in many Palestinian homes. Israel must end the arbitrary detention and restrictions on movement that it has for years imposed on the inhabitants of all the occupied Arab territories. Israel must end its economic policies that are in violation of the most elementary principles of international law.

It is necessary to take measures to protect the threatened Palestinian population and to guarantee the occupying Power's full observance of the Fourth Geneva Convention of 1949 and its application to all the occupied Arab territories. The principles of international law and the generally accepted standards of respect for human dignity must not be trampled under foot.

In this context, the delegation of Cuba associates itself with the call by many States Members of this Organization to convene a conference of the High Contracting Parties to the Fourth Geneva Convention of 1949 in order to consider, in particular, Israel's compliance with the provisions of the resolution adopted by this Assembly on 15 July 1997 in connection with the application of that international legal instrument. The Fourth Geneva Convention of 1949, a source of customary international law and a standard for coexistence among nations and respect for human dignity, must be respected and applied to the Palestinian people and to the peoples of all the occupied Arab territories.

The United Nations must contribute without hesitation to respect for and protection of a fundamental human right: the right to life. Cuba considers that the right to life, as a fundamental human right, applies to the people of Palestine and the peoples of all the occupied Arab territories.

The President: In accordance with General Assembly resolution 45/6 of 16 October 1990, I now call on the Observer for the International Committee of the Red Cross.

Mrs. Junod (International Committee of the Red Cross): Pursuant to the relevant provisions of international humanitarian law and to the mandate conferred on it by the States parties to the 1949 Geneva Conventions, the International Committee of the Red Cross (ICRC) established a permanent presence in Israel and the occupied territories in 1967 with a view to carrying out its humanitarian activities there.

For 30 years ICRC delegates have striven to discharge the organization's mandate by pursuing a wide range of activities, such as visiting detainees, restoring and maintaining contact between family members separated as a result of events and providing assistance to medical facilities in need. While taking practical steps

whenever necessary to help persons protected under the Fourth Geneva Convention, the ICRC has always called upon the Israeli Government to comply fully with the provisions of that Convention.

In its capacity as the custodian of international humanitarian law and in agreement with the international community, the ICRC has always affirmed the applicability of the Fourth Geneva Convention to the territories occupied by Israel in 1967. Today the ICRC considers that Israel remains bound by the provisions of that Convention, in particular as concerns the territorial and administrative powers it is actually exercising there.

In the course of its activities, the ICRC has repeatedly noted disrespect for various provisions of international humanitarian law, such as the transfer by the occupying Power of parts of its population into occupied territory, in contravention of article 49 of the Fourth Geneva Convention. The ICRC is particularly concerned about the serious humanitarian consequences of such disrespect and has repeatedly expressed its concern through bilateral and multilateral representations and in public appeals.

Article I, common to all four Geneva Conventions, stipulates that

> "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

Indeed, the ICRC has always welcomed all individual and joint efforts by the States parties to the Geneva Conventions aimed at discharging this obligation and enhancing respect for international humanitarian law.

Of course, the means and methods deployed to fulfil these legal and political responsibilities are to be decided upon by the States. In this regard, the ICRC wishes to emphasize that international responses to recurrent humanitarian problems should be assessed in view of the practical results for the benefit of the protected population. The ICRC would also like to stress that it must be in a position to act in a completely neutral and independent manner, free from any politically motivated constraints, in order to carry out its humanitarian mandate in accordance with its principles.

The President: In accordance with the decision adopted this morning at the sixth plenary meeting, I now call on the Observer of Switzerland.

Mr. Staehelin (Switzerland) (*interpretation from French*): Switzerland has the honour to have been appointed by the parties to the Geneva Conventions of 1949 as depositary of these instruments and of their Additional Protocols of 1977. This is a role to which Switzerland attaches the greatest importance, and my Government believes that this role confers upon it, above and beyond the technical tasks related to it, special responsibilities in the development and implementation of international humanitarian law. It is in that capacity, but also as a State that places the promotion of peace and human rights at the heart of its foreign policy, that Switzerland wished to address the Assembly today.

The enquiry recently conducted by Switzerland upon the request of the Secretary-General, as depository of the Geneva Conventions, and which is described in the report submitted by the Secretary-General pursuant to resolution ES-10/3, demonstrated that there was no consensus among the parties to the Geneva Conventions regarding whether such a conference should be convened. The enquiry did not provide any indication as to the results that such a conference should achieve. Nonetheless, several major tendencies emerged. A majority of the parties to the Conventions that responded to the depositary stated that they were in favour of the conference. A few were against it. Furthermore, some important concerns were expressed. One of these concerns relates to the desire not to do anything that might harm the efforts now under way to advance the peace process, whose fragility is a source of concern to the entire international community. A second concern regards the need to contribute to a real improvement of the situation on the ground. Another relates to the need for careful preparation of a possible conference in order, if possible, to ensure its success and to obtain the broadest possible participation. Lastly, certain Contracting Parties put forward proposals for alternative and complementary solutions or for stages prior to the holding of the conference. These proposals were mentioned in our debate or are mentioned in the draft resolution submitted to the General Assembly.

Some of these concerns reflect considerations that Switzerland believes to be essential and that we feel should guide the debates and the efforts of the international community in the present context. It is indeed important to strive to avoid politicization of humanitarian law and humanitarian action. We should act in a way that supports the peace process. Lastly, any initiative that might be taken in the framework of the

matter at hand should be geared primarily towards a real improvement of the situation on the ground.

Because we attach great importance to the first of those considerations, Switzerland intends to fulfil in neutrally and impartially the mandates entrusted to it as depositary of the Geneva Conventions. It was in this spirit that we accepted, in particular, the mandate from the XXVI Conference of the Red Cross and the Red Crescent to organize periodic meetings to examine general problems regarding the application of international humanitarian law. It is the express wish of the XXVI Conference that these meetings not deal with specific situations. The first of them, which will take place next January, will therefore not reflect the framework or consider the question that prompted the convening of this emergency special session. That first periodic meeting will, in accordance with its mandate, be a place for non-political dialogue among States.

Switzerland attaches equal importance to the need to support the peace process and to place any possible initiative in the perspective of a real improvement of the situation on the ground. The Swiss Government has already often had frequent opportunities to make known its position on the situation in the Middle East. We believe that there is no alternative to the peace process, and we have always recalled the importance that we attach to respect for the Geneva Conventions, especially the Fourth. In this respect, my country is of the opinion that a conference such as the one proposed can be useful only with the participation of those primarily concerned. In any event, such a conference should be prepared with the utmost care and well in advance if we want it to have a real chance of contributing tangibly to the improvement of the situation on the ground.

It is also in this context that Switzerland wishes to take this opportunity to appeal to the Contracting Parties to respect their commitments vis-à-vis international humanitarian law and to do their best to facilitate the activities of the International Committee of the Red Cross, which is charged with ensuring respect for the Geneva Conventions.

The three objectives outlined here — non-politicization of humanitarian considerations, support for the peace efforts and improvement of the situation on the ground — are undoubtedly objectives around which consensus could emerge. Switzerland, for its part, is at the disposal of the parties to the Geneva Conventions, and we are prepared to seek the best means of attaining these objectives.

The President: I now call on the representative of Jordan to introduce draft resolution A/ES-10/L.3.

Mr. Abu-Nimah (Jordan): On behalf of its sponsors, to which the countries of Brunei Darussalam, Pakistan and Viet Nam have added their names, I have the honour to introduce the draft resolution on "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory", contained in document A/ES-10/L.3. This is the third draft resolution to be adopted by the tenth emergency special session of the General Assembly, and as such it represents a continuation and follow-up of the actions taken by the Assembly on the matter.

The first preambular paragraph indicates that the report submitted by the Secretary-General in accordance with resolution ES-10/3, as well as its addendum, was received by the General Assembly, while the second preambular paragraph refers to the earlier report of the Secretary-General.

The third preambular paragraph expresses the determination to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions. In the fourth preambular paragraph, the draft resolution reiterates the demands made in resolutions ES-10/2 and ES-10/3; the paragraph goes on to enumerate those demands in subparagraphs (a), (b), (c) and (d).

In the fifth preambular paragraph, the draft resolution indicates that Israel, the occupying Power, has not heeded any of the demands mentioned earlier and that it continues with its illegal actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. The sixth preambular paragraph indicates that the Assembly has been informed by the previously mentioned report of the Secretary-General of the responses of the High Contracting Parties to the fourth Geneva Convention as well as of the collective responses to the note sent by the Government of Switzerland, depository of the Convention.

The seventh preambular paragraph reaffirms the permanent responsibility of the United Nations towards the question of Palestine. The eighth preambular paragraph indicates that a letter was received from the Permanent Observer Mission of Palestine to the United Nations, informing about specific cases of assistance by

individuals for illegal settlement activities. In the ninth preambular paragraph, the draft resolution expresses grave concern at the continuing deterioration of the Middle East peace process and the lack of implementation of the agreements reached.

In the tenth preambular paragraph, the draft resolution reaffirms that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially settlement activities, and the practical results thereof, cannot be recognized irrespective of the passage of time.

The eleventh and last preambular paragraph is being presented as an oral revision and will read as follows:

> "*Recalling* its rejection of terrorism in all its forms and manifestations, in accordance with all relevant United Nations resolutions and declarations".

In operative paragraph 1, the draft resolution condemns the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2 and ES-10/3, in particular the continuation of the building of a new settlement in Jebel Abu Ghneim to the south of occupied East Jerusalem, while operative paragraph 2 reiterates its call for the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities.

Operative paragraph 3 reiterates its recommendations in this regard contained in the two previous resolutions of the tenth emergency special session. In operative paragraph 4, the draft resolution reiterates the recommendation that the High Contracting Parties to the fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1.

With regard to operative paragraph 5 of the draft resolution, I hereby make an oral revision. The word "Requests" should be removed and replaced by "Recommends to". In the second line, remove the word "preparatory". In the fourth line after "as soon as possible", remove the word "but" and replace it with the words "with a target date". Between the words "than" and "February", insert the words "the end of". Therefore, operative paragraph 5 will read as follows:

> "*Recommends* to the Government of Switzerland, in its capacity as the depository of the Geneva Convention, to undertake the necessary steps, including the convening of a meeting of experts in order to follow up on the above-mentioned recommendation as soon as possible, with a target date not later than the end of February 1998".

Operative paragraph 6 requests also the Government of Switzerland to invite the Palestine Liberation Organization to participate in the previously mentioned conference and in any preparatory steps for that conference.

The draft resolution then deals with the Middle East peace process. Operative paragraph 7 calls for reinjecting momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as well as for the upholding of the principles of the process, including the exchange of land for peace. The eighth operative paragraph expresses the determination that, in case of a continuous lack of compliance by Israel, the occupying Power, with the provisions of resolutions ES-10/2 and ES-10/3, it shall reconsider the situation with a view to making further appropriate recommendations to the States Members of the United Nations, in accordance with General Assembly resolution 377 A (V).

Finally, in operative paragraph 9, the draft resolution decides to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meetings upon request from Member States.

The sponsors of the draft resolution believe that it is important and necessary. We hope that the draft resolution before the Assembly today, as orally revised, will be adopted by the usual overwhelming majority.

The President: I should like to consult the Assembly with a view to proceeding immediately to consider the draft resolution contained in document A/ES-10/L.3, as orally revised. In that connection, since the draft resolution was circulated only this morning, it would be necessary to waive the relevant provision of rule 78 of the rules of procedure. May I take it that the Assembly agrees to waive rule 78 and to proceed immediately to consider the draft resolution?

It was so decided.

The President: We shall now proceed to consider draft resolution A/ES-10/L.3, as orally revised. Before calling on the first speaker in explanation of vote before the vote, I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Dlamini (Swaziland): The Kingdom of Swaziland regards this as one of the most significant moments in the history of the United Nations. It is now close to 30 years that the Kingdom of Swaziland, as a sovereign State, has been witnessing deliberations on issues touching on the Middle East question. We have a history that has been guiding us and our foreign policy, a policy that advocates offices of goodwill. In offices of goodwill, one always looks for a solution that will spare the lives of the parties involved in a conflict. For that reason, it is the view of my delegation that at the Madrid conference there was genuine agreement that was subsequently endorsed at other conferences by the parties to the conflict.

To us, this underlines the importance of diplomatic persuasion: persuading parties to a dispute to come together around a conference table and speak the language of peace in order to fulfil the purposes and principles of the Charter relating to the maintenance of international peace and security. As Members of the United Nations we have a duty to remove collectively and effectively anything that is likely to endanger lasting peace — which is a delicate commodity in the Middle East.

Regarding a conference between the parties, we want to preserve the rule of Article 33 of the Charter, which calls on the parties to a dispute to agree on a time and place for peaceful means if a lasting solution is to be found. It is for this reason that we have been watching the process all along, waiting for the two parties to come together to honour the Madrid accord and the agreement entered into at Washington in 1995. Even today we feel it is not too late to say to all the parties that they should come together in the interest of lasting peace and rekindle the spirit of Madrid, echoed by other conferences, to find a lasting solution in the Middle East.

It is our policy as a country to refrain from condemning, but rather to persuade. When you find your brothers, who are so dear to you, quarrelling over an issue, it should not be your automatic policy to disarm one of them and then call upon the other to beat the disarmed party. Rather, you should stand in the middle and arbitrate the issue in conflict. Likewise, for 30 years now we have been saying, "Let the parties to this dispute talk, and there will be a solution". We have seen that no one can win a war. We have seen that when parties talk they ultimately agree.

For this reason, my delegation finds it very difficult to advocate a situation in which no solution can be found. We call upon the two parties to continue convening conferences at agreed venues, in conformity with Article 33 of the Charter.

We shall accordingly abstain in the vote on draft resolution A/ES-10/L.3, as orally revised, to show that we love them all. They are all our brothers. We are standing in their midst and saying, "Do not kill one another; the time has not come for you to die".

Mr. Fowler (Canada): Canada will vote in favour of draft resolution A/ES-10/L.3, as orally revised, because it reflects in broad measure our concerns regarding the ongoing construction of a new settlement in Jebel Abu Ghneim/Har Homa. Canada is a strong supporter of the peace process and an active participant in the search for a durable and lasting peace in the Middle East. We are encouraged by the recent resumption of direct dialogue between Israel and the Palestinian Authority. It is our view that only through direct dialogue and negotiation can the parties achieve a just, lasting and comprehensive peace in the region.

We urge Israel to stop settlement activity in East Jerusalem and elsewhere in the occupied territories. In Canada's view, the construction of an Israeli settlement at Har Homa/Jebel Abu Ghneim is contrary to international law and harmful to the peace process.

With regard to operative paragraphs 3, 4 and 5, Canadian policy is that the Fourth Geneva Convention does apply to the territories occupied by Israel in 1967, including East Jerusalem. As a High Contracting Party, our decision about the merits of convening the conference called for in operative paragraph 4 will be made after a full examination of the necessity, possible outcome and impact on the peace process of such a conference, as well as the cost implications and, of course, after full consultations with the other High Contracting Parties.

Canada believes that it is incumbent on the parties to honour and fully implement their existing agreements. This commitment must include a determined effort on the part of the Palestinian leadership to combat terrorism.

Mr. Konishi (Japan): Let me first state that, after careful consideration of the draft resolution, my delegation has decided to vote in favour. On this occasion, we would like to present some of our views.

Japan is voting in favour of this draft resolution because we agree with its general thrust regarding the construction activities in East Jerusalem. On 25 August, Prime Minister Ryutaro Hashimoto of Japan conveyed to Prime Minister Benjamin Netanyahu the need to refrain from any action which might prejudge the final status negotiations.

With regard to the recommendation for convening a conference under the framework of the Fourth Geneva Convention, we are concerned that such a conference may have a negative impact on the peace process at this juncture, when the Palestinian track is partly under way. In convening such a conference, cautious deliberation of its timing is necessary.

It is our earnest hope that Palestine and Israel will bring the Middle East peace process back on track as soon as possible.

Mr. Bjørn Lian (Norway): Norway welcomes the resumption of talks between Israel and the Palestine Liberation Organization (PLO). Norway will continue to encourage the parties to step up their direct bilateral negotiations with a view to completing the implementation of the Interim Agreement and starting the final status negotiations as soon as possible.

Norway remains convinced that the holding of this emergency special session of the General Assembly is not conducive to progress in the peace process. We also maintain our reservations in respect of a number of elements in the draft resolution. It is the ultimate obligation and responsibility of the parties themselves to carry the peace process forward and to implement the peace agreements.

Nevertheless, Norway remains deeply concerned about Israel's continuance of its settlement activities in the Palestinian areas. Such unilateral steps are clearly not in the spirit of the agreements reached between the two sides and are contrary to international law. We therefore have no choice but to uphold our position from the meeting of the emergency special session in July and will vote in favour of the draft resolution before us.

The President: The Assembly will now take a decision on draft resolution A/ES-10/L.3, as orally revised. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Canada, Cape Verde, Chad, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe

Against:

Israel, Micronesia (Federated States of), United States of America

Abstaining:

Australia, Bulgaria, Burundi, Cameroon, Costa Rica, Georgia, Marshall Islands, Nicaragua, Romania, Rwanda, Swaziland, Uzbekistan, Zambia

Draft resolution A/ES-10/L.3, as orally revised, was adopted by 139 votes to 3, with 13 abstentions (resolution ES-10/4).

The President: Before giving the floor to the first speaker in explanation of vote, may I remind delegations that explanations vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Crighton (Australia). Australia continues to support the principles underlying this resolution. We have made clear our view that we regard settlement activity as unhelpful to the peace process. Australia is gravely concerned about the current state of the peace process and has consistently urged the parties to commit themselves to effective negotiations to achieve a just, enduring and comprehensive peace in the Middle East.

We believe that there is no substitute for frank, direct and wide-ranging talks between the parties themselves. We consider that the resolution will not be helpful in that process and have therefore abstained in the voting.

Mr. Wehbe (Syrian Arab Republic) (*interpretation from Arabic*): The delegation of the Syrian Arab Republic strongly supported the reconvening of the tenth emergency special session to consider Israel's illegal activities in occupied East Jerusalem and all other occupied Arab and Palestinian territories. Syria was among the first countries to communicate to the Secretary-General its support for the convening of this session, now resumed for the third time.

Out of a sense of its national responsibility, my country strongly supports the Palestinian people's inalienable rights to return to its territory, to self-determination and to establish its independent State on its land, with East Jerusalem as its capital. Since the Palestinian question is at the core of the Israeli-Arab conflict, we wish in this context to reiterate our firm position in support of the peace process in Middle East, begun in Madrid in 1991 on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and of the principle of land for peace. Syria maintains its readiness to resume the peace process at the point it had reached in Washington. The present Israeli Government should respect the obligations and commitments made by the previous Government to withdraw completely from the occupied Syrian Golan to the line of 4 June 1967.

My delegation voted in favour of resolution ES-10/4 of the resumed tenth emergency special session, because we believe that the building and expansion of Israeli settlements in all Arab territories occupied since 1967 are illegal, illegitimate and in contravention with the principles and norms of international law. They also violate all the relevant General Assembly and Security Council resolutions, which have declared that such activities are illegal and should be rescinded. The resolutions asked all countries to consider them null and void, irrespective of the passage of time. Resolution ES-10/4, which we have adopted today by a great majority, affirms once again what was mentioned in the seventh preambular paragraph concerning the permanent responsibility of the United Nations vis-à-vis the Arab-Israeli conflict, with the Palestinian question as its core.

My delegation had hoped that the sponsors of the resolution would include in the ninth preambular paragraph an expression of the great concern of the General Assembly about the continued deterioration of the peace process in the Middle East. We had also hoped that that paragraph would be in line with the situation that has prevailed for more than a year by indicating that the peace process is stalled because the present Israeli Government is abandoning the peace process, which was started at the Madrid Conference on the basis of Security Council resolutions 242 (1967), 338 (1973), and 425 (1978) and the land-for-peace formula. It should also have expressed the deep concern of the international community, represented by the General Assembly, about the dangers resulting from Israel's reneging on its obligations and commitments on all tracks.

My delegation regrets that the tenth preambular paragraph concentrates only on the illegality of settlement activities and other Israeli actions and practices in occupied Palestinian territories, including Jerusalem. We would have liked that paragraph to include all the Arab territories occupied since 1967.

We support operative paragraph 7, which calls for reinjecting momentum into the stalled Middle East peace process. We are fully confident that this could be achieved by putting an end to the attempts by Israel and its present Government to renege on all prior obligations and commitments, as well as by bringing negotiations to the other tracks on the basis upon which the Madrid Conference was founded.

As for the eleventh preambular paragraph, which was added as an amendment to the draft resolution, my delegation considers that its inclusion is not in line with the purpose and content of the resolution which the General Assembly has just adopted. We would have liked

the resolution to concentrate on the Israeli settlement activities, as they are considered to be null and void in accordance with the relevant United Nations resolutions. These activities by Israel in the occupied Arab territories are in contravention of the norms of international law and relevant resolutions of the United Nations. My delegation considers this paragraph a strange insertion into the resolution.

In this context, we would like to confirm that the Arab countries have confirmed at the highest level their opposition to terrorism in all its forms and that they have always distinguished between terrorism and the legitimate struggle against foreign occupation.

Mr. Peleg (Israel): Resolution ES-10/4 which was adopted here today, will not bring the parties together; rather, it will continue to provide an excuse for those who wish to see this issue dealt with by fiat in international forums rather than by direct bilateral talks.

The General Assembly does not do itself credit by gathering every few months to adopt an outdated resolution which has no effect whatsoever on the actual workings of the peace process. Unfortunately, in this manner the United Nations continues to enshrine its collective irrelevance to the situation.

Moreover, the recommendation contained in the resolution concerning the High Contracting Parties to the Fourth Geneva Convention is especially regrettable, as it politicizes an essentially humanitarian instrument. This would set a dangerous precedent which would undermine the Fourth Geneva Convention and the effort to implement it.

For these reasons, Israel voted against the resolution.

Mr. Chun (Republic of Korea): Unfortunately, not much progress has been made in the Israeli-Palestinian relationship, despite the calls for reinjecting momentum into the stalled Middle East peace process and for the implementation of the agreements reached between the Government of Israel and the Palestine Liberation Organization, as contained in resolution ES-10/3 of this emergency special session, which was adopted by overwhelming majority on 15 July 1997.

Furthermore, the situation on the ground has remained unchanged. As noted in resolution ES-10/4, Israeli settlement activities — especially in Jebel Abu Ghneim, which is to the south of East Jerusalem — which, after all, led to the convening of this emergency special session last April, have not ceased yet.

These settlement activities should have ceased fully and immediately, and, at the same time, the two sides should be able to discuss all remaining issues in a candid and open-minded manner, as suggested by my delegation at the beginning of this emergency special session. My delegation believes that in this way the resolution just adopted contains the clear message that momentum for the peace process may be irrevocably lost if the appropriate steps are not taken soon.

My delegation voted in favour of resolution ES-10/4 on the basis of these considerations.

The President: We have heard the last speaker in explanation of vote.

I shall now call on those representatives who wish to speak in exercise of the right of reply.

Mr. Peleg (Israel): I take the floor in order to exercise my delegation's right of reply to statements made this morning by the Permanent Representative of Egypt.

In his statement the Egyptian Ambassador referred to the section in our statement regarding the events which led to the Six Day War of June 1967 and Israel's subsequent presence in the territories. I reiterate that Israel's presence in those territories is the result of having to fight a war of self-defence. That war was thrust upon us by virtue of both the actions and the rhetoric of a number of Arab leaders at that time, most notably those of President Gamal Abdel Nasser, the ruler of Egypt. Let us once and for all set the record straight and without embellishment hear, hopefully for the last time, the words of aggression and violence which emanated from Cairo in those days.

On 17 May 1967, President Nasser was quoted by Radio Cairo as stating that,

> "Egypt with all of her resources — human, economic and scientific — is prepared to plunge into a total war" — in Arabic, *harb shameela* — "which will be the end of Israel."

It was on that very day that Egypt demanded the immediate withdrawal of the United Nations Emergency Force (UNEF) from its buffer positions between Egypt

and Israel in the Sinai peninsula and the Gaza Strip. Unfortunately, Secretary-General U Thant acquiesced to this demand.

Following this Nasser ordered 100,000 troops to enter Sinai and take up the positions formerly held by United Nations forces. One Arab nation after another committed its forces to join in this escapade until over 250,000 troops, 2,000 tanks and 700 first-line aircraft encircled Israel in a ring of hostility.

On 19 May 1967 Radio Cairo announced:

> "This is our chance, Arabs, to deal Israel a mortal blow of annihilation to blot out its entire presence in our holy land".

On 22 May 1967 Nasser declared the Strait of Tiran closed to Israeli shipping, inaugurating a naval blockade, which is a *casus belli*, an act of war.

On 26 May 1967 Nasser stated on Radio Cairo:

> "The Arab people want to fight. We have been waiting for the right day when we would be fully prepared ... Recently, we have felt strong enough to triumph, with God's help, if we enter into battle with Israel. On that basis, we have decided to take the actual measures. Sharm el Sheikh" —

the Egyptian base at the entrance to the Strait of Tiran —

> "implies a confrontation with Israel. Taking this step makes it imperative that we be ready to embark on a total war with Israel."

On 28 May 1967 Nasser told a press conference:

> "Israel's existence in itself is an act of aggression ... We accept no kind of coexistence with Israel."

All this took place when Israel was not present in any of the territories now under discussion.

Our purpose is not to engage in a sterile historical debate, but, rather, to remind the General Assembly that the problems debated here today have their roots in the aggression against Israel in 1967. Had it not been for the expulsion of UNEF from Sinai, the deployment of 100,000 Egyptian troops on Israel's border, the encirclement of our country by a ring of hostile armies, the blockade of the Strait of Tiran and the histrionic and bellicose statements of Arab leaders at the time, there would have been no war in 1967, Israel would not be present in the territories and we would not be here today discussing Israeli practices in these territories.

In spite of all that Israel has had to endure, we remain committed to peace with our neighbours on the basis of the terms of reference of the peace process, as stipulated in the letter of invitation sent by the two sponsors to the participants in the Madrid Conference.

We call upon the Palestinians, as well as others who are parties to the peace process, to join us in redoubling their efforts to achieve peace.

Mr. Zaki (Egypt): On behalf of the delegation of Egypt and on behalf of my Ambassador, who is now taking part in Security Council consultations on an issue which is also particularly important to our region, I should like to comment on the statement made by the representative of Israel in exercise of the right of reply.

The representative of Israel quoted some media comments made 30 years ago on Cairo Radio, in an atmosphere that was well known to the peoples of our region well before the establishment of peace. There is no point in saying now that whatever was said on Cairo Radio was a provocation to war. We are not prepared now, but I am sure that we also have a list, an endless list, of rhetoric emanating from Israel in the same vein.

I should also like to comment on the Israeli representative's statement — I am not quoting, because I did not write it down — that if this were not the case, if this rhetoric had not existed, if the provocation had not taken place, all of this would not have occurred and Israel would not have occupied the land it occupied. I have a slight problem understanding that statement, because as far as we can understand from all the declarations emanating from Israel these days, there is a particular attachment to these lands, an attachment that amounts to a question of being qualified as a "right". That is a contradiction. It is either a right or a war of self-defence. It is not both.

Therefore, I should like to end this session by restating what my Ambassador said this morning, that Egypt, the country that started the peace process in the region and tirelessly worked to establish it between all the countries of the region, including Israel, should not

be rewarded by this kind of statement, because if we are to get into this kind of vicious circle, it will never end.

The President: The Observer of Palestine has asked to make a statement.

In accordance with General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 43/177 of 15 December 1988, I now call on the Observer of Palestine.

Mr. Al-Kidwa (Palestine) *(interpretation from Arabic):* I only wish to express our profound appreciation, in the name of the Palestinian people and the Palestinian leadership, to all Member States that supported the draft resolution that has just been adopted, in particular those brotherly States and friendly States that voted for its adoption.

Despite the fact that certain quarters apparently are unable to comprehend the message, we are still proud of the just and clear position pursued by the international community today, with such a vast majority on the part of the membership of the United Nations to whom we repeat our thanks and appreciation.

The President: The tenth emergency special session of the General Assembly is now adjourned, in accordance with the terms of paragraph 9 of the resolution adopted at the present meeting.

The meeting rose at 5.40 p.m.